

## **REMARKS**

The Applicants wish to thank the Examiner for his examination of claims 1-18 in the Final Office Action dated March 20, 2007 (“Final Action”). Claims 1-18 are still pending. Independent claim 10 has been amended to clarify that the web page containing an event is published by the event creator. No new matter has been added by this amendment.

### **35 U.S.C. § 101**

Claims 14-18 stand rejected under 35 U.S.C. 101 because, according to the Final Action, “Applicant’s amendment still didn’t fulfill the requirement of being tangible” [sic]. Yet Applicants specifically amended independent claim 14 to address this issue in the response dated January 2, 2007. The preamble of independent claim 14 now teaches a “computer program product for use with a computer system for scheduling an event over a network in a calendar of an invitee, the event having a set of details provided by an event creator, the computer program product comprising a tangible computer useable medium having computer readable code thereon, the computer readable program code including . . .” (emphasis added). Furthermore, the Office Action of October 3, 2006, admitted that Applicants’ specification teaches a “tangible . . . embodiment for ‘medium.’” Independent claim 14 now defines “computer usable medium toward the Specification,” as required by the Final Action on page 2 -- as such, claims 14-18 cover allowable subject matter.

### **35 U.S.C. § 103**

Claims 1-18 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Application No. 2001/0014867 to Conmy, hereinafter referred to as “Conmy,” in view of U.S. Patent No. 5,963,913 to Henneuse et al., hereinafter referred to as “Henneuse.”

Pending independent claims 1, 10, and 14 relate to the scheduling of an event having a set of details provided by an event creator over a network in a calendar of an invitee using at least the following processes:

- (a) action by the invitee on a webpage published by the event creator for the event;

- (b) creating a schedule request, such schedule request including at least the set of details and an identifier for the event creator;
- (c) sending the schedule request to a server in communication with the network, the server having access to the calendar of the invitee and a calendar for the event creator;
- (d) creating an event record at the server, the event record including at least the set of details and a link to the calendar of the invitee; and
- (e) adding the event to the invitee's calendar.

As set forth in MPEP §§ 2143<sup>1</sup> and 2143.03,<sup>2</sup> a *prima facie* case of obviousness can be made only if the cited prior art references teach or suggest all claim limitations. The Henneuse patent is directed to an event scheduling program. The Henneuse patent does not teach or suggest that each participant to an event has a calendar. In fact, the Henneuse patent teaches away from the use of calendars. The background section of Henneuse patent states that prior art scheduling and calendaring systems that provide access to other persons calendars are flawed because people do not keep their calendars up to date. *See* col. 1, lines 27-34.

The Final Action incorrectly asserts that Henneuse at col. 3, lines 38-48, teaches “the creation of an event recorder [*sic*] and the creation of a link between the event recorder [*sic*] and the calendar of the invitee,” *i.e.*, process (d). *See* Final Action at page 6. As stated above, Henneuse does not teach the use of calendars of either an invitee or an invitor. Therefore, Henneuse cannot teach the creation of a link between the event record and the calendar of the invitee.

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<sup>1</sup> MPEP § 2143: “To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success.

*Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.* The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).” (Emphasis added.)

<sup>2</sup> MPEP § 2143.03: “To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). ....”

Additionally, col. 3 lines 38-48 of Henneuse do not disclose an event record. Instead, this section teaches:

- (1) an event confirmation page that is accessible only to the initiating scheduler and (2) two separate pages, the event reply and the event confirmation pages, which are accessible to both the scheduler and the requested participants.

Figures 4 and 5 of Henneuse illustrate that these pages are used to plan an event that will accommodate all participants' schedules:

FIG. 4

"MEETING NAME"	
"NAME" has scheduled the following meetings:	
"MEETING DESCRIPTION" XXXXXXXXXXXXXXXXXXXXXXX XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX	
62	
Check the box next to the dates that you are available:	
Wednesday January 8th <input type="checkbox"/> 10:00am-12:00pm <input type="checkbox"/> 2:00pm-5:00pm	Tuesday January 9th <input type="checkbox"/> 10:00am-12:00pm <input type="checkbox"/> 2:00pm-5:00pm
Wednesday January 8th <input type="checkbox"/> 12:00pm-1:00pm <input type="checkbox"/> 4:00pm-5:00pm	Thursday January 9th <input type="checkbox"/> 12:00pm-4:00pm
64	
NAME: <input type="text"/>	
65	
E-MAIL ADDRESS: <input type="text"/>	
SEARCH <input type="button" value="SEARCH"/> <input type="button" value="RESET"/>	

FIG. 5

**"MEETING NAME"**

The following people are available at these times. Dates with the most overlap are most likely the best time to schedule a meeting.

Check the box next to a time to schedule a conference room

Mandie January 8th	Tessie January 9th	Wednesday January 10th	Thursday January 11th
<input type="checkbox"/> 12:00pm - 12:30pm	<input type="checkbox"/> 9:00am - 10:00am	<input type="checkbox"/> 12:00pm - 1:00pm	<input type="checkbox"/> 12:00pm - 1:00pm
Name1	Name2	Name3	Name4
<input type="checkbox"/> 3:00pm - 3:30pm	<input type="checkbox"/> 3:00pm - 4:00pm	<input type="checkbox"/> 4:00pm - 5:00pm	<input type="checkbox"/> 5:00pm - 6:00pm
Name5	Name6	Name7	Name8

**SEND IT**    **RESET**

These pages clearly are used to collect information, as evidenced by the request for a user to “check the box next to the dates that you are available” and “check the box next to a time to schedule a conference room.” *Id.* As such, neither of these pages contains all of the event information.

In contrast, the event record taught by Applicants is a single record that contains all of the event information and is accessible to at least the invitee via a link between the event record and the invitee's calendar. *See application, Figure 4, [0033].* Applicants have already demonstrated that Conmy does not teach "creating an event record at the

server, the event record including at least the set of details and a link to the calendar of the invitee.” The Final Action asserts that Paragraphs 26, 30, 64-67, and 83 of Conmy teach this process, but instead these paragraphs merely discuss the ability of the scheduling system to allow an invitee to accept an invitation and have that event be scheduled in both the calendar of the invitee and the calendar of the event creator. Applicants’ independent claims clearly require three separate entities: (1) an invitee’s calendar; (2) an invitor’s calendar; and (3) an event record. No separate event record is created by the scheduling system of Conmy. The events are directly placed in the calendars without a separate record being formed. Neither Henneuse nor Conmy teach or suggest each and every limitation of the present independent claims. Both references lack the creation of an event record that includes a link to the calendar of an invitee.

### **Conclusion**

Applicants’ independent claims are not taught by Conmy in view of Henneuse, since each and every limitation is not taught by these references, either alone or in combination. Therefore, allowance of independent claims 1, 10, and 14 is respectfully requested. Claims 2-9, 11-13, and 15-18 depend from these independent claims, and thus are also allowable.

Applicants believe that a one month extension is required for consideration of this application and request that the extension fee be charged to deposit account number 19-4972. Applicants also request that the fee for continued examination be charged to the same deposit account number, along with any additional fees that may be required for the timely consideration of this application.

Respectfully submitted,

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